

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, October 8, 2009 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF SEPTEMBER 24, 2009, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 09-273-676 Abdalla Tobasi**
Rezoning from B2 Community Business to TN2 Traditional Neighborhood
857 Selby Ave, NE corner at Victoria
B2
Emily Goodman 651-266-6551

- 2 09-273-801 Grand Sub Station (857 Selby)**
Variances of parking standards for setback from street (7 ft. required, 4 ft. proposed),
number of spaces (20 required, 17 proposed), parking in front of building, and curb cut
location
857 Selby Ave, NE corner at Victoria
B2
Emily Goodman 651-266-6551

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

COMMERCE BUILDING
8 Fourth St. E, Suite 200
Saint Paul, Minnesota 55101-1024

Telephone: 651-266-9090
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

TUESDAY, October 13, 2009

2nd Floor Conference Room
375 Jackson Street, Suite 218

Time Project Name and Location

No Site Plan Review Meeting

To Applicants:

You should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff.

The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

DSI is in a new location

We are in our new offices at 375 Jackson Street, Suite 220. The Site Plan meetings will be held in the second floor conference room 218.

Parking

Parking is available at on-street meters. Some off-street parking spaces are available in our visitor parking lot off of 6th Street at Jackson. To see a map of additional nearby parking ramps go to <http://www.ci.stpaul.mn.us/depts/dsi/liep/info/location.html>

If you have any questions, please contact Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Abdalla Tobasi **FILE #:** 09-273-676
 2. **APPLICANT:** Abdalla Tobasi **HEARING DATE:** October 8, 2009
 3. **TYPE OF APPLICATION:** Rezoning-Council
 4. **LOCATION:** 857 Selby Ave, NE corner at Victoria
 5. **PIN & LEGAL DESCRIPTION:** 022823120074; NININGER & DONNELLY'S ADDITION TO HOLCOMBE'S ADDITION TO ST. PAUL LOTS 10, 11, & SUBJ TO ESMTS, LOT 12 BLK 4
 6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** B2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** September 30, 2009 **BY:** Emily Goodman
 9. **DATE RECEIVED:** September 17, 2009 **60-DAY DEADLINE FOR ACTION:** November 16, 2009
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- A. **PURPOSE:** Rezoning from B2 Community Business to TN2 Traditional Neighborhood.
- B. **PARCEL SIZE:** Rectangular parcel with approximately 120 feet of frontage on Selby Avenue and 120 feet of frontage on Victoria Avenue and a total area of 14,299 sq feet
- C. **EXISTING LAND USE:** The building is currently vacant.
- D. **SURROUNDING LAND USE:**
 - North: Mix of residential uses (RT1, RT2)
 - East: Mix of residential and commercial uses (RM2, B2)
 - South: Two-family residential (RT1)
 - West: Mix of multi-family residential (RM2, RT1)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The now-vacant site was formerly an automotive garage. There are no zoning actions or records for the property. A companion application for variances has also been submitted (ZF# 09-273-801).
- G. **DISTRICT COUNCIL RECOMMENDATION:** Staff had not received comments from District 8 at the time the staff report was prepared.
- H. **FINDINGS:**
 1. The applicant is seeking a rezoning from B2 Community Business to TN2 Traditional Neighborhood for the purpose of accommodating a planned Subway Restaurant on the site.
 2. The proposed zoning is consistent with the way this area has developed. The TN2 district is intended for use in existing or potential pedestrian and transit nodes. Selby Avenue is a transit corridor. TN2 is also intended to be part of an area with a variety of uses and housing types, and the area near Victoria Avenue and Selby Avenue has a variety of business and residential uses.
 3. The proposed zoning is consistent with the Comprehensive Plan. The Summit-University (District 8) Plan Area Plan Summary states that "priority will be given to commercial development on the vacant lots and buildings at Selby and Victoria as well as vacant commercial buildings on Selby Avenue west of Dale Street." The existing adopted Comprehensive Plan's Summary and General Policy Chapter states that "high priorities for Saint Paul now are...to ensure that land resources with potential for business use are made available and used to their maximum economic and community development." Rezoning the site to TN2 would permit a productive

economic use on an otherwise vacant site. Additionally, the proposed Land Use plan has as a major strategy to "target growth in unique communities," which focuses on sustaining the character of Saint Paul's existing single family neighborhoods while providing for the growth of mixed use communities, especially in established corridors like Selby Avenue.

4. The proposed zoning is compatible with the surrounding land uses.
 5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."* The proposed rezoning is not spot zoning, as the TN2 traditional neighborhood designation of the parcel is similar to the existing B2 zoning.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from B2 Community Business to TN2 Traditional Neighborhood.

**PETITION TO AMEND THE ZONING CODE**

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File # **09-273676**Fee: **1000.00**

Tentative Hearing Date:

10-8-09**AD-8****022823120074****APPLICANT**Property Owner Abdalla TobasiAddress 809 Selby AvenueCity St. Paul St. MN Zip 55104 Daytime Phone (651) 298-1900

Contact Person (if different) _____ Phone _____

PROPERTY LOCATIONAddress / Location 857 Selby Avenue, St. Paul, MN 55104Legal Description Nininger & Donnelly's, Addition Lots 10, 11, & Subj. to Esmts,Lot 12 Blk 4 Current Zoning B-2

(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes, Abdalla Tobasi,

owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a B-2 zoning district to a TN2

zoning district, for the purpose of:

Leasing said vacant property to tenants who will renovate the building and improve the site for the purpose of operating a SUBWAY restaurant. Tenants will add picture windows and finishings while retaining the character of this 1955 building. Tenants will also add sidewalks, parking lot, a patio, landscaping, privacy and wrought iron fencing. Tenant is the owner of SUBWAY at 1820 Grand Ave, St. Paul since 1989. In 2004, tenant cleaned up and renovated a former taxi auto repair shop at 2121 Univ Ave W, St. Paul. Tenants have committed to the Community Council to bring jobs to the community, maintain interior/exterior, discourage "hanging out" and run a clean, friendly restaurant. The Selby Area Plan and Comprehensive Plan calls for priority to be given to commercial development on the vacant lots and buildings at Selby and Victoria. The plan also calls for encouraging development that responds to the purchasing demands of neighborhood residents. Tenants will bring an affordable restaurant to the neighborhood. (attach additional sheets if necessary)

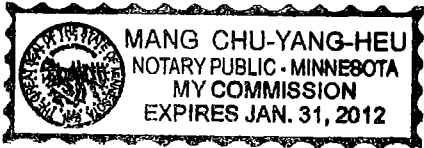
Attachments as required: ☒ Site Plan ☐ Consent Petition ☐ Affidavit

CK 15328
1000.00

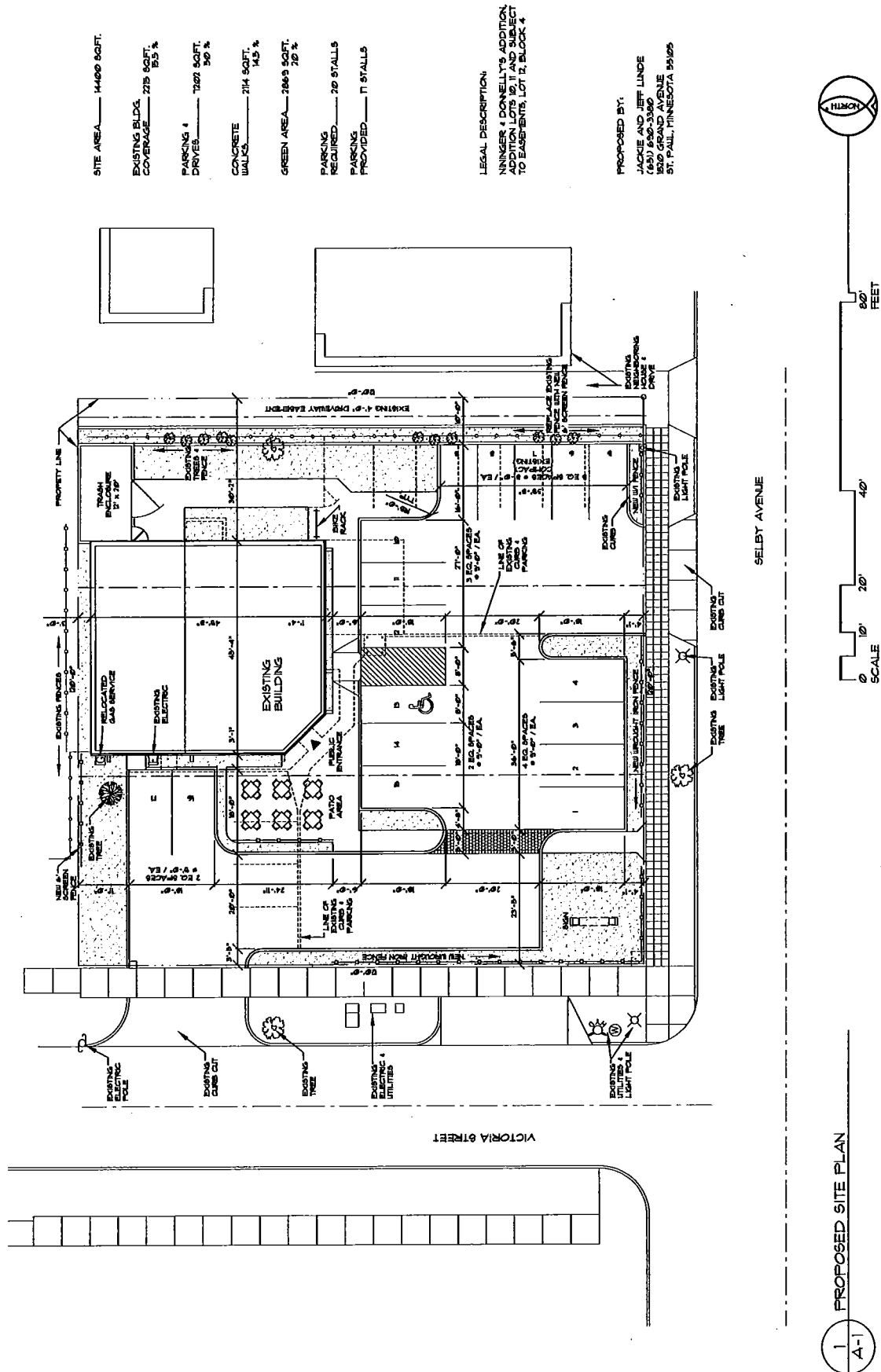
Subscribed and sworn to before me
this 17 day
of September, 2009.

Notary Public

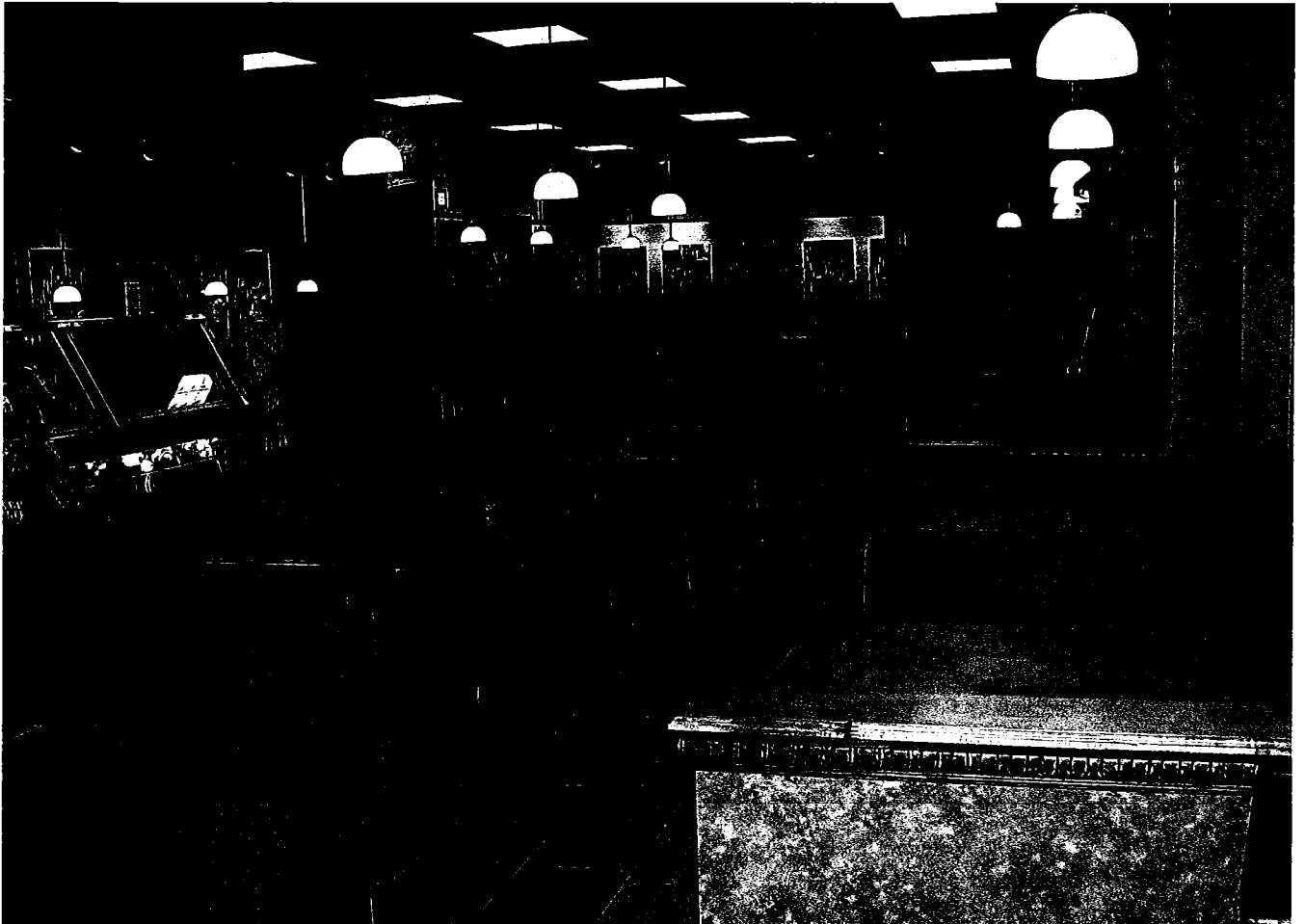
By:
Fee Owner of Property
Title: Owner

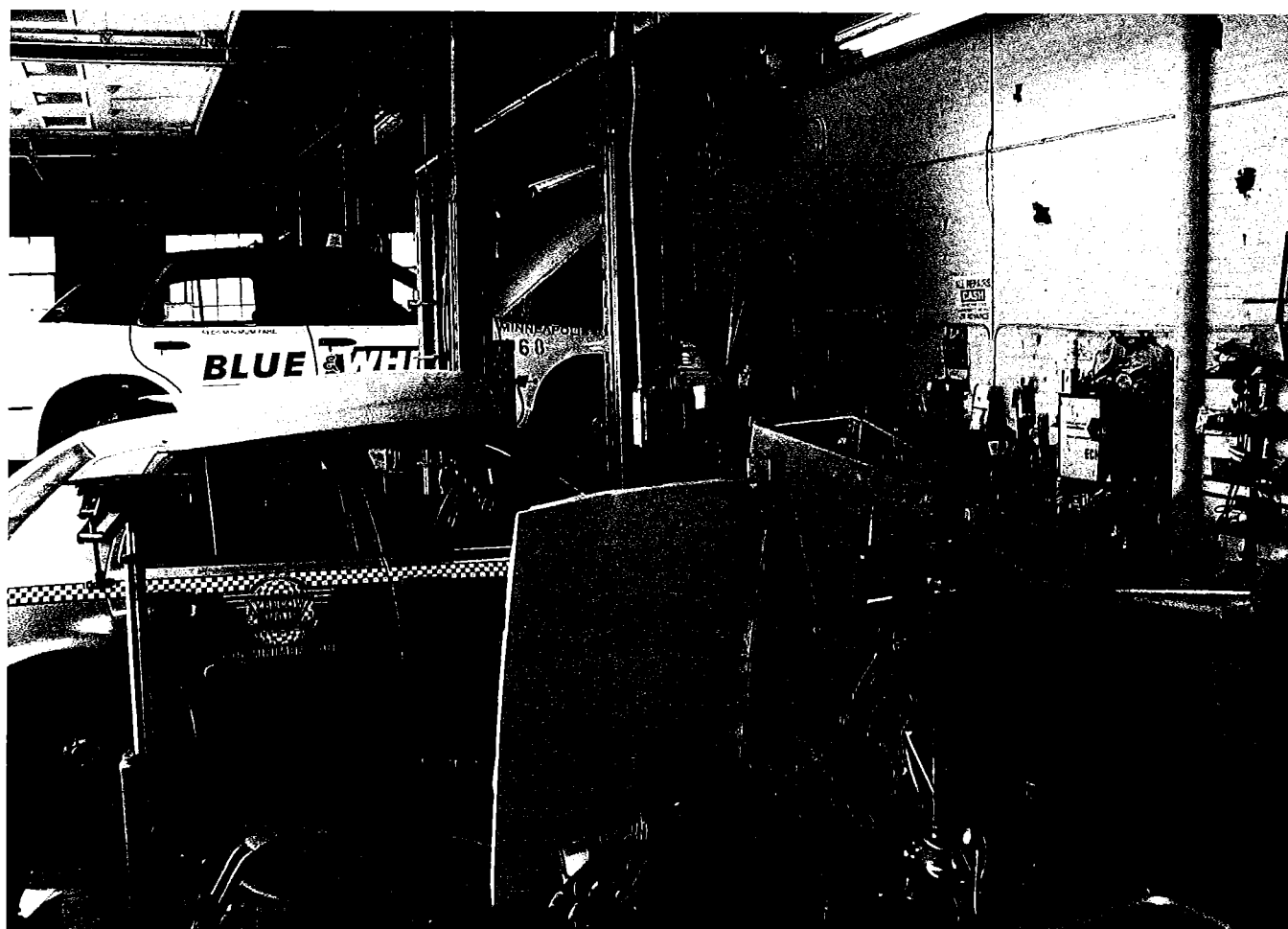


PROPOSED SITE PLAN









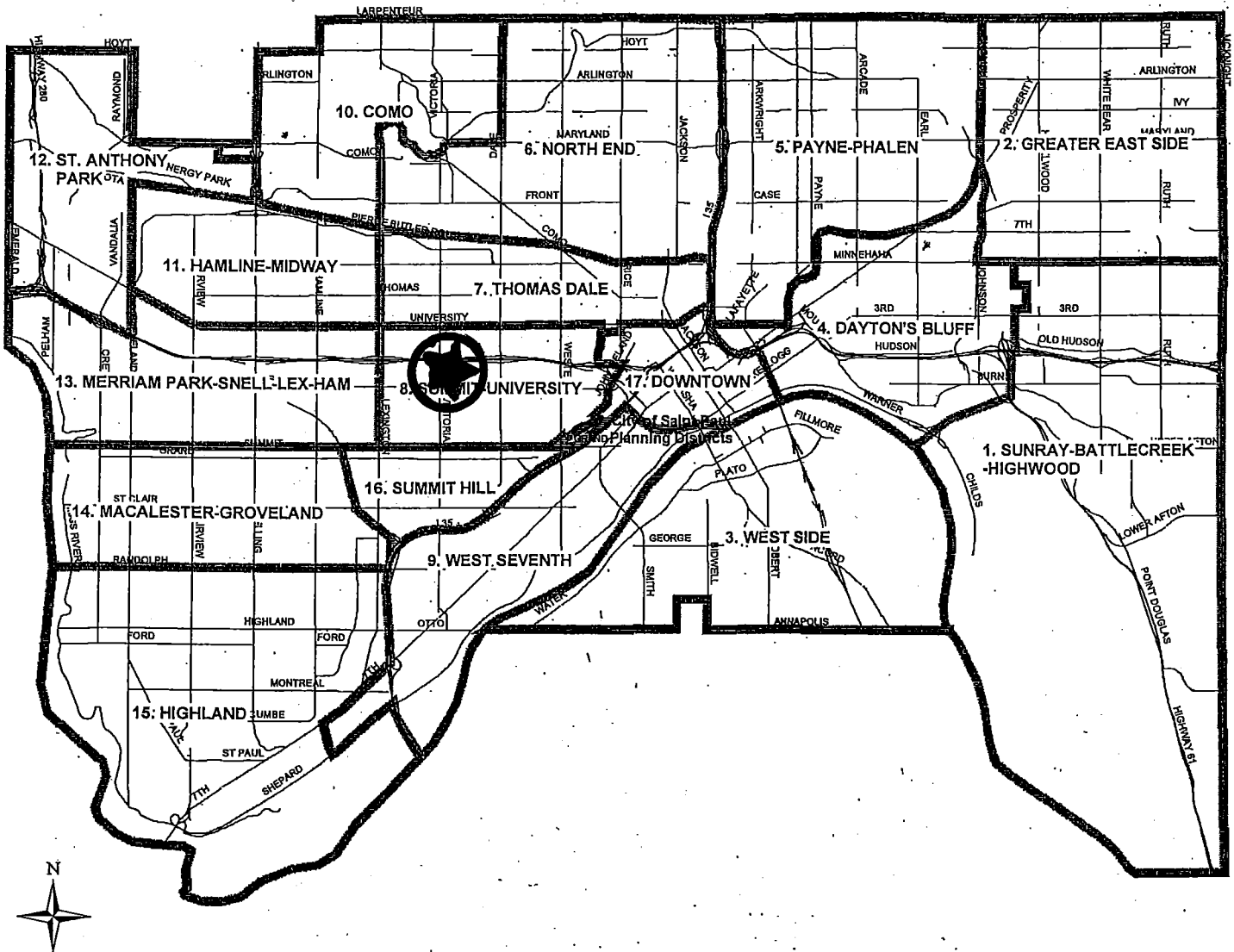


View of 857 Selby Ave taken from Selby Avenue, facing north.



View of 857 Selby Ave, taken from Victoria Avenue, facing east.

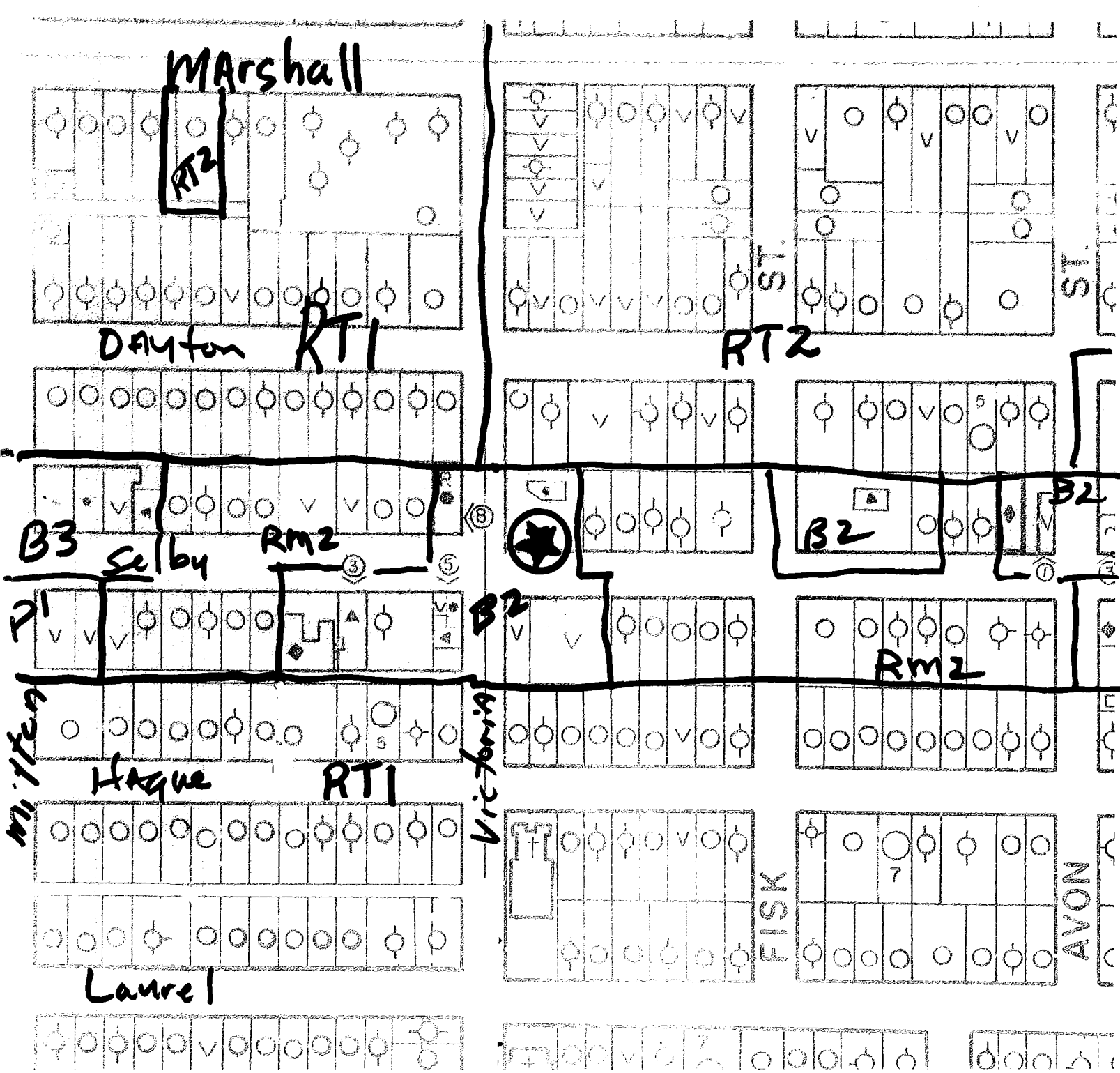
CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-273676



APPLICANT

Abdalla Tobasi

PURPOSE

Rez B2 → TN2

FILE #

09-273676

DATE

9-21-09

PLNG. DIST.

8

MAP #

19

LEGEND

zoning district boundary

subject property



○ one family
 ⊙ two family
 ⊕ multiple family

• ▲ ⊙ commercial
 ◆ — industrial
 V vacant



ZONING COMMITTEE STAFF REPORT

- | | |
|---|--|
| 1. FILE NAME: Grand Sub Station | FILE #: 09-273-801 |
| 2. APPLICANT: Jackie and Jeff Lunde | HEARING DATE: October 8, 2009 |
| 3. TYPE OF APPLICATION: Variance | |
| 4. LOCATION: 857 Selby Ave, NE corner at Victoria | |
| 5. PIN & LEGAL DESCRIPTION: 022823120074, NININGER & DONNELLY'S ADDITION TO HOLCOMBE'S ADDITION TO ST. PAUL LOTS 10, 11, & SUBJ TO ESMTS, LOT 12 BLK 4 | |
| 6. PLANNING DISTRICT: 8 | PRESENT ZONING: B2 |
| 7. ZONING CODE REFERENCE: § 61.202; § 61.601; § 63.207; § 63.310; § 63.314; § 66.341; § 65.615 | |
| 8. STAFF REPORT DATE: September 20, 2009 | BY: Emily Goodman |
| 9. DATE RECEIVED: September 17, 2009 | 60 DAY DEADLINE FOR ACTION: November 16, 2009 |

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- A. **PURPOSE:** Variances of parking standards for setback from street (7 ft. required, 4 ft. proposed), number of spaces (20 required, 17 proposed), parking in front of building, and curb cut location.
- B. **PARCEL SIZE:** Rectangular parcel with approximately 120 feet of frontage on Selby Avenue and 120 feet on Victoria Avenue and a total area of approximately 14,299 sq feet
- C. **EXISTING LAND USE:** The building is currently vacant.
- D. **SURROUNDING LAND USE:**
North: Mix of residential uses (RT1, RT2)
East: Mix of residential and commercial uses (RM2, B2)
South: Two-family residential (RTI)
West: Mix of multi-family residential (RM2, RT1)
- E. **ZONING CODE CITATION:** § 61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of §61.601; § 63.207 sets out the parking requirements by use; § 63.310 sets out the conditions for parking entrances and exits; §63.314 sets out the conditions for landscaping for off-street parking facilities; § 66.341 sets out the parking placement conditions for TN2, § 65.615 sets out conditions for fast-food restaurants.
- F. **HISTORY/DISCUSSION:** The now-vacant site was formerly an automotive garage. There are no zoning actions or records for the property. A companion application to rezone the property to TN2 has also been submitted by the property owner (ZF # 09-273676).
- G. **DISTRICT COUNCIL RECOMMENDATION:** Staff had not received comments from District 8 at the time the staff report was prepared.
- H. **FINDINGS:**
1. The applicant is seeking variances in order to accommodate a parking lot while reusing the existing building on the site. These variances are based on the successful concurrent application for a rezoning to TN2 to accommodate the fast food restaurant use. The following variances are being requested:
 - (a) Section 66.341(b) sets out the parking placement conditions for TN2 traditional neighborhood districts. The parking should be situated to the rear of the building or in an interior side yard. If those conditions cannot be met, there should be a good pedestrian connection between the sidewalk and building entrance and the area should be well-landscaped. The applicants are proposing to reuse the existing building in the northeast corner, with parking in the front and sides.
 - (b) Section 63.207 sets out the parking requirements by use. The proposed Subway Restaurant would require 20 parking spaces. The applicants are proposing 17 spaces.
 - (c) Section 63.310 sets out the conditions for parking entrances and exits and requires that all entrances and exits to and from parking facilities in zoning districts other than RL – RT2

shall be at least twenty five (25) feet from any adjoining property in RL-RT2 zoning districts. The Victoria entrance is approximately eleven (11) feet from the RT2 district to the north.

- (d) Section 65.615 sets out the conditions for fast-food restaurants, including a requirement that points of vehicular ingress and egress are located at least sixty (60) feet from the intersection of any two (2) streets and at least sixty (60) feet from any abutting residentially zoned property. The Victoria entrance is approximately eighty five (85) feet from the Selby-Victoria intersection, but only eleven (11) feet from the RT2 district to the north. The Selby entrance is approximately eighty five (85) feet from the Selby-Victoria intersection, but only fifteen (15) feet from the RM2 district to the east.
 - (e) Section 63.314 sets out the conditions for landscaping for off-street parking facilities and specifies that a landscape buffer of seven (7) feet would be required in this instance along Selby Avenue. The applicant is proposing only four (4) feet eight (8) inches of buffer.
2. Section 61.601 sets out the required findings for a variance of the Zoning Code:
- (a) *The property in question cannot be put to a reasonable use under the strict provision of the code.* This finding is satisfied.

The Subway restaurant is a reasonable use for the site. Because the applicants are reusing an existing building on the site, they are unable to meet five of the required development standards. They are unable to locate the parking in the preferred locations mentioned in Section 66.341(b). Instead, the applicants are planning to reuse and expand the current parking lot, located to the front of the building. They will provide landscaping and a pedestrian connection between the sidewalk and building entrance as required in Section 66.341(b). In order to accommodate this walkway, they need a variance of 3 parking spaces. The applicants are also reusing the curbcuts and constructing within a compact site, and so are unable to meet the entrance/exit conditions of twenty five (25) and sixty (60) feet from the RT2 district to the north and the RM2 district to the east while also meeting the condition in the same section that entrances and exits are at least sixty (60) feet from the point of intersection of curblines of two (2) or more intersecting streets. The final variance for the buffer along Selby is also necessitated by the compact nature of the site.
 - (b) *The plight of the landowner is due to circumstances unique to his property, and these circumstances were not created by the landowner.* This finding is satisfied. The landowner is re-using an existing building on a small site, and, as detailed above, the parking lot variances all serve to accommodate the physical constraints of these pre-existing circumstances.
 - (c) *The proposed variances are in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul.* This finding is satisfied. The intent of the code is to promote safe access and to prevent negative impacts on adjacent property. The applicant is reusing existing entrances, which are unlikely to create safety problems. The adjacent residential use are adequately buffered from the entrances by improved screening. The variances will allow the applicants to reuse the existing site for a viable business, simultaneously promoting the City's sustainability and economic goals. Thus, the variances are in keeping with the spirit and intent of the code and are consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul.
 - (d) *The proposed variances will not impair an adequate supply of light and air to adjacent property, nor will they alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.* This finding is satisfied. The surface parking lot expansion will not impair the supply of light and air to adjacent property. Moreover, given the mitigation of the proposed landscaping and pedestrian

walkway, the placement, street setback, and curb cuts will not alter the essential character of the surrounding area or adversely impact property values. The variance from the parking space requirement is in accord with preserving the character of the Selby-Victoria area.

- (e) *The variances, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.* This finding is satisfied. None of the variances would result in a use that is not permitted under the provisions of the code for the property, as surface parking is a permitted use in both the current zoning of B2 and the proposed zoning of TN2. However, the use will not be permitted unless the land is rezoned to TN2.
- (f) *The request for variances is not based primarily on a desire to increase the value or income potential of the parcel of land.* This finding is satisfied. The variance is required due to practical constraints of the site and not to increase the value potential of the parcel of land.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the variances to allow front and side surface parking lots, 17 parking spaces, entrances and exits approximately eleven (11) feet from the RT2 district to the north and fifteen (15) feet from the RM2 district to the east, and a four (4) foot eight (8) inch buffer between the parking lot and Selby Avenue in accordance with the site plan on file with the variance application, subject to the City Council's rezoning of the parcel to TN2 and.



APPLICATION FOR ZONING VARIANCE
 Department of Safety and Inspections
 375 Jackson Street
 Suite 220
 Saint Paul, MN 55101-1806
 General: 651-266-9008
 Fax: (651) 266-9099

Zoning office use only

File Number: _____
 Fee: \$ _____
 Tentative Hearing Date: _____
 Section(s) _____
 City agent _____

APPLICANT

Name Jackie & Jeff Lunde Company Grand Sub Station, Inc. dba SUBWAY
 Address 1820 Grand Avenue
 City St. Paul St. MN Zip 55105 Daytime Phone (651) 690-3380
 Property Interest of Applicant (owner, contract purchaser, etc) tenant
 Name of Owner (if different) Abdalla Tobasi Phone (651) 298-1900

PROPERTY INFORMATION

Address / Location 857 Selby Avenue, St. Paul, MN 55104
 Legal Description Nininger & Donnelly's, Addition Lots 10, 11, & Subj. to Esmts, Lot 12 Blk 4
 (attach additional sheet if necessary)
 Lot Size 120' x 120' or .33 Acres Present Zoning B-2 Present Use vacant
 Proposed Use SUBWAY Restaurant, Petition underway to Amend Zoning Code from B-2 to TN2.

Variance[s] requested: Variances requested in order to renovate the site for a locally owned SUBWAY Restaurant.
 See #1-5 Below.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

Zoning Variances needed to Code.

1. Off-street parking shall be provided to the rear of building to greatest extent possible (TN2 District) -- The existing building is on the back of the lot. There is currently existing parking in the front of the building along the east border and to the side of the building along Victoria. Current existing number of spaces = 11. Number of additional spaces added per site plan = 6.
2. Points of vehicular ingress and egress shall be located at least 60 feet from any abutting residentially zoned property. (Restaurant, fast-food) Both curb cuts being utilized on the site plan are existing.
3. Parking lot setback less than 7 feet (Landscaping)- Due to the length and width of the property and the existing location of the building and, in order to meet the minimum 20 foot two-way traffic aisle, the setback for parking spaces 1-4 is 4'8".
4. Parking space 17 is located less than 25' to a residential property (Parking) - Parking space 17 is 11 feet from the property line. The space is on an existing driveway and in an area currently used for parking.
5. Parking spaces required is 110 sq. ft. GFA or 20 spaces (Parking) - Spaces provided = 17. The number of spaces were adjusted to allow for a pedestrian connection and additional green space along the front of the building.

Attachments as required:

☒ Site Plan

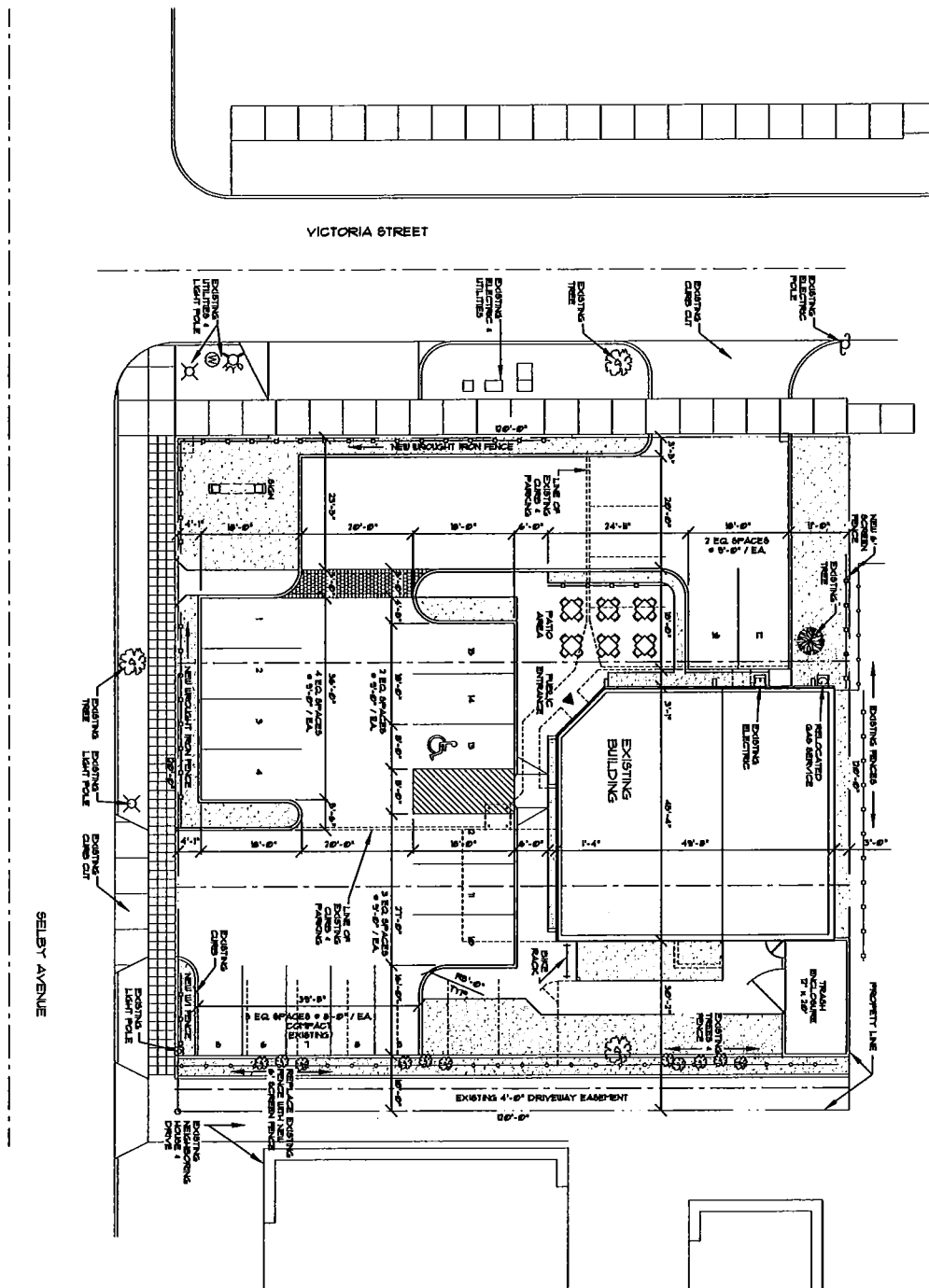
☒ Attachments

☒ Pro Forma

Applicant's Signature

Jaqueline Lunde

Date 09/24/09



PARKING REQUIRED _____ 20 STALLS
PARKING PROVIDED _____ 17 STALLS

PROPOSED BY:
JACKIE AND JEFF LINDE
(651) 620-5380
1630 GRAND AVENUE
ST. PAUL, MINNESOTA 55105

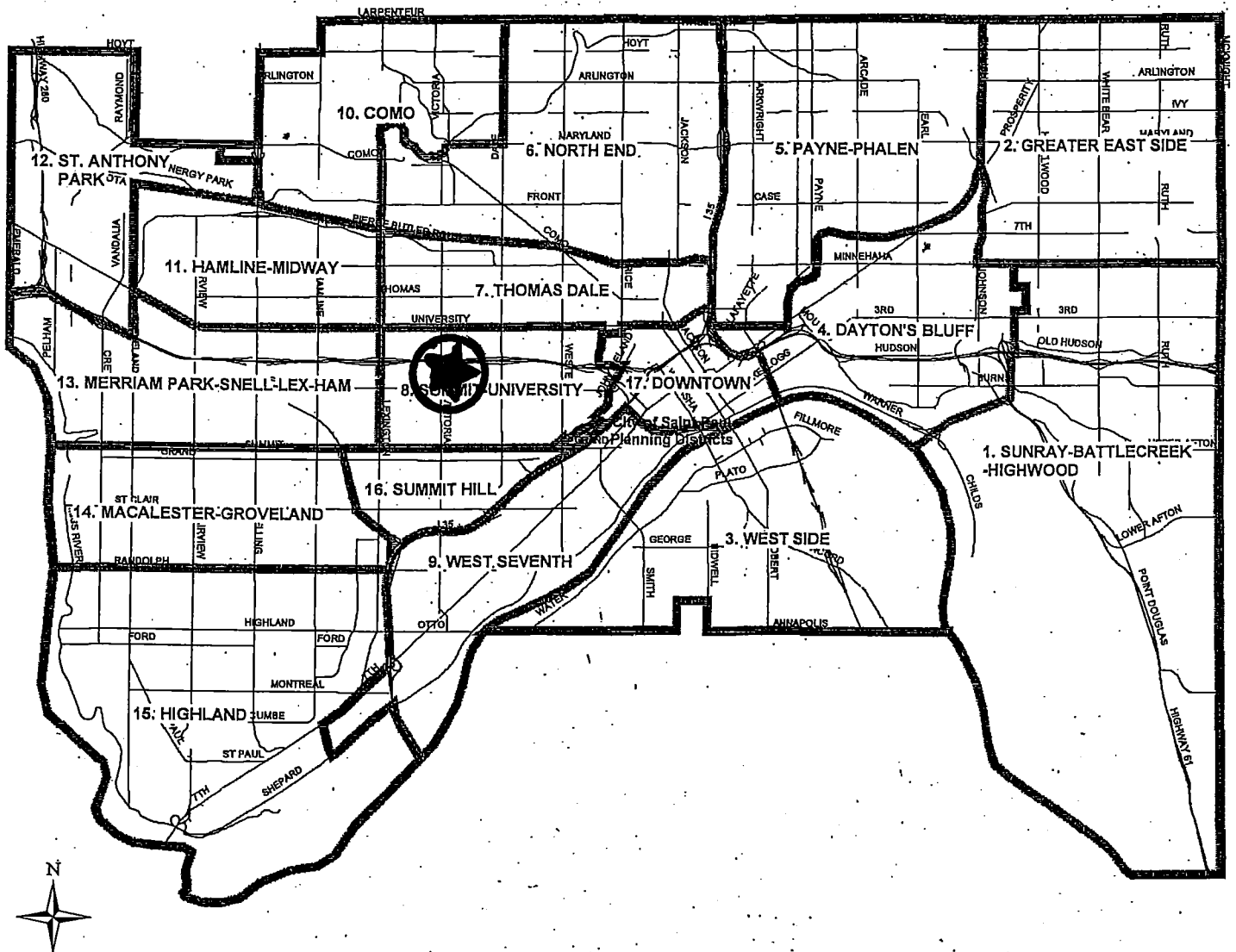


View of 857 Selby Ave taken from Selby Avenue, facing north.



View of 857 Selby Ave, taken from Victoria Avenue, facing east.

CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-273801

Marshall

RT2

Dayton

RT1

RT2

B3

Seby

RM2

B2

B2

B2

Rm2

Haque

RT1

Victoria

FISK

AVON

Laurel

APPLICANT Grand Sub - Station

PURPOSE Variance

FILE # 09-273801

DATE 9-21-09

PLNG. DIST 8




MAP # 19




LEGEND

 zoning district boundary

 subject property



-  one family
-  two family
-  multiple family

-  commercial
-  industrial
-  vacant

